

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEITH PAGE,

Defendant.

8:15CR329

ORDER

This matter is before the court on the defendant's request for copies of his criminal docket sheet and plea agreement, including the statement of reasons (Filing No. 15). The defendant requests the copies be provided without cost to him because he is indigent.

The case cited by the defendant, 8:15CR329, was, on October 29, 2015, transferred to this district from the United States District Court for the Northern District of Iowa, specifically for jurisdiction over the defendant's probation or supervised release. **See** Filing No. 1. On January 15, 2016, the court entered judgment on the defendant's revocation of supervised release. **See** Filing No. 14. Prior to the defendant's Iowa matter, the defendant was indicted in this district in 2007. **See** Filing No. 1, in case 8:07CR155. He pleaded guilty and was sentenced, after which the court entered judgment on November 1, 2007. **See** Filing No. 83.

Other than this motion for copies, the defendant has no motions or open cases pending before this court, and the defendant makes no showing as to why he needs these documents. Accordingly, without a pending appeal or some showing of need for the documents, the court is not inclined to order copies of documents made at government expense.

The defendant does not have the right to receive copies of documents at government expense, even if he has leave to proceed in forma pauperis. **See** 28 U.S.C. § 1915; *Lewis v. Precision Optics, Inc.*, 612 F.2d 1074, 1075 (8th Cir. 1980). An indigent defendant bringing a postconviction proceeding under 28 U.S.C. § 2255 may obtain a transcript without expense, if the court determines the motion is not frivolous and the transcript is necessary to decide the issue presented by the motion.

See 28 U.S.C. § 753(f); **see also** *Chapman v. United States*, 55 F.3d 390, 390-91 (8th Cir. 1995) (stating any request for a free transcript prior to the filing of a 28 U.S.C. § 2255 motion is premature).

Nevertheless, the defendant may pay for the copies he requested at the established rate of 50¢ per page. The defendant asks for a copy of his docket sheet, which is four pages. Additionally, the defendant asks for a copy of his “Plea agreement (including Statement of Reasons).” **See** Filing No. 15 - Motion. No such documents exist in the 8:15CR329 criminal matter. If instead the defendant seeks the documents in his earlier case, 8:07CR155, the docket sheet is 19 pages and the plea agreement is eight pages. **See** Filing No. 53. The Statement of Reasons, which is not part of the plea agreement, is four pages, however the document is sealed and may not be copied without entry of an order by the presiding judge. **See** Filing No. 84. The defendant’s Iowa case filings are not part of either Nebraska case. Under these circumstances,

IT IS ORDERED:

The defendant’s request for copies at government expense (Filing No. 15) is denied.

Dated this 6th day of May, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge